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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

CINCINNATI BELL INC.,

Plaintiff,

v.

CV '10 - 1453

CASE NO.: _____

COMPLAINT FOR DECLARATORY

**TRAFFIC INFORMATION LLC.,
Defendant.**

**RELIEF IN PATENT CASE
DEMAND FOR JURY TRIAL**

Plaintiff Cincinnati Bell Inc. ("Cincinnati Bell"), for its complaint against Traffic Information LLC ("Traffic Information"), alleges as follows:

1. Cincinnati Bell is an Ohio corporation with its principal place of business at 221 East Fourth Street, Cincinnati, OH 45202.
2. On information and belief, Traffic Information is a limited liability company organized and operating under the laws of the State of Texas with its principal place of business at 601 SW 2nd Ave Ste 1600, Portland, OR 97204-3157.
3. On information and belief, Kevin Russell is a manager of Defendant Traffic Information and one of the named inventors of the patents in suit. On information and belief, Russell also maintains his office at 601 SW 2nd Ave Ste 1600, Portland, OR 97204-3157.
4. This Court has jurisdiction over the subject matter of this action under Title 35 of the United States Code, as well as under 28 U.S.C. §§ 1331, 1332, 1338, 2201, and 2202, on the grounds that Cincinnati Bell seeks a declaration of its rights against accusations of patent infringement and implied threats of patent infringement litigation made by Traffic Information concerning products and/or services of Cincinnati Bell.

5. Upon information and belief, this Court has personal jurisdiction over Traffic Information because it is based in and conducts business from the State of Oregon. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400 because a substantial part of the events giving rise to the claims presented in this complaint occurred in this district. Venue is further proper because Traffic Information is subject to personal jurisdiction in this judicial district and is therefore deemed to reside in this district under 28 U.S.C. § 1391(c). Further, this Court has already determined that venue is appropriate in this judicial district against Traffic Information with respect to the same two patents in suit in the case titled *Google v. Traffic Information*, Case No. 3:09-cv-00642, filed June 9, 2009.

6. On or about November 4, 2010, Traffic Information sent Cincinnati Bell a letter in which Traffic Information accused Cincinnati Bell of using, without a license, technology covered by one or more claims of U.S. Patent No. 6,466,862 ("the '862 Patent") and U.S. Patent No. 6,785,606 ("the '606 Patent") and advised Cincinnati Bell to cease and desist from infringing any claims of the '862 and '606 Patents.

7. Attached as Exhibits 1 and 2 are copies of the '862 and '606 Patents, respectively.

8. Upon information and belief, Traffic Information, by its letter, intended to accuse Cincinnati Bell of infringing one or more claims of the '862 and '606 Patents.

9. Cincinnati Bell, however, does not infringe any valid claim of the '862 Patent or the '606 Patent.

10. Traffic Information has initiated many patent infringement actions based on the '862 and '606 Patents in the Eastern District of Texas against more than 50 different defendants. These actions include, but are not limited to, the following:

- Traffic Information v. Alpine Electronics 2:08-cv-00007 (filed 01-08-2010, terminated 04-15-2009) - 6,785,606
- Traffic Information v. HTC USA 2:08-cv-00404 (filed 10-20-2008, terminated 09-17-2009) - 6,466,862 and 6,785,606

- Traffic Information v. AT&T Mobility LLC 2:09-cv-00083 (filed 03-20-2009) - 6,785,606
- Traffic Information v. American Honda Motor Co. 2:07-cv-00391 (filed 09-07-2007, terminated 03-12-2008) - 6,785,606
- Traffic Information v. Cricket Communications 2:10-cv-00226 (filed 07-06-2010) - 6,785,606 and 6,466,862

11. Based on the cease and desist letter sent by Traffic Information and the history of litigations filed by Traffic Information on these same patents, there is a real and immediate controversy over the aforementioned matters between Cincinnati Bell and Traffic Information, the resolution of which is necessary in order that Cincinnati Bell may avoid wrongful injury to the reputation of its goods and services in the marketplace and other direct injury suffered from Traffic Information's wrongful allegations.

FIRST CLAIM FOR RELIEF
(Declaratory Judgment of Non-infringement)

12. Cincinnati Bell incorporates the foregoing allegations as if fully restated herein.
13. Cincinnati Bell has not and is not now infringing, actively inducing the infringement of, or contributorily infringing any valid claim of the '862 Patent.
14. A justiciable controversy exists as to whether Cincinnati Bell has been or is now infringing any valid claim of the '862 Patent.
15. Cincinnati Bell seeks a declaration from this Court that Cincinnati Bell has not and is not now infringing, actively inducing the infringement of, or contributorily infringing any valid claim of the '862 Patent.
16. Absent the requested declaration by the Court, Cincinnati Bell will suffer irreparable injury.

SECOND CLAIM FOR RELIEF
(Declaratory Judgment of Non-infringement)

17. Cincinnati Bell incorporates the foregoing allegations as if fully restated herein.

18. Cincinnati Bell has not and is not now infringing, actively inducing the infringement of, or contributorily infringing any valid claim of the '606 Patent.

19. A justiciable controversy exists as to whether Cincinnati Bell has been or is now infringing any valid claim of the '606 Patent.

20. Cincinnati Bell seeks a declaration from this Court that Cincinnati Bell has not and is not now infringing, actively inducing the infringement of, or contributorily infringing any valid claim of the '606 Patent.

21. Absent the requested declaration by the Court, Cincinnati Bell will suffer irreparable injury.

PRAAYER FOR RELIEF

WHEREFORE, Cincinnati Bell prays for the following relief against Traffic Information:

A. That this Court enter a declaration that Cincinnati Bell has not and is not now infringing, actively inducing the infringement of, or contributorily infringing any valid claim of the '862 Patent;

B. That this Court enter a declaration that Cincinnati Bell has not and is not now infringing, actively inducing the infringement of, or contributorily infringing any valid claim of the '606 Patent;

C. That this Court enter an order precluding Traffic Information from commencing or maintaining any action against Cincinnati Bell, its customers, or end users of products and services of Cincinnati Bell; and

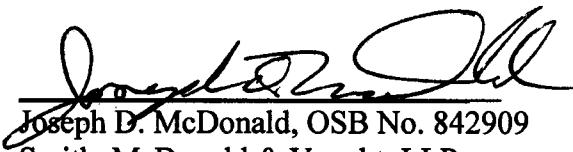
D. That Cincinnati Bell be awarded such other and further relief as this Court deems equitable and just.

JURY DEMAND

Cincinnati Bell hereby demands a trial by jury of all issues.

Dated: November 24, 2010

Respectfully submitted,



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(*pro hac vice* applications to be filed)

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